

Incoming for OCSPP in yellow from NH delegation (Sen. Shaheen, Sen. Hassan and Rep. Kuster):

Here are some questions from constituents that would be great to hear feedback on:

Can you touch on the PFAS Action Plan's role in addressing emerging contaminants like GenX? Is there a proactive plan that will ensure these newer chemicals are dealt with expediently?

- According to the PFAS Action Plan, PFAS can be considered a pollutant under the CWA and states can use NPDES permits to control discharge. Is that course of action available at this time and has this been communicated to states?
- Is there any update on the progress in deciding whether to include PFAS chemicals on the Toxics Release Inventory? We've heard from our constituents affected by PFAS contamination from Saint Gobain Plastics that this would be beneficial in creating more transparency for the community. What would this process look like?

Draft Response:

Under the PFAS Action Plan, EPA is considering adding PFAS chemicals to the Toxics Release Inventory. In considering listing a chemical on the TRI, EPA must determine whether data and information are available to fulfill the statutory listing criteria (EPCRA Section 313(d)(2)) and consider the extent and utility of the data that would be gathered. In summary, Section 313(d)(2) indicates that a chemical may be added to the TRI list if the Administrator determines that there is sufficient evidence to establish that the chemical is known to cause or can reasonably be anticipated to cause (A) significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries, (B) chronic health effects, or (C) a significant adverse effect on the environment of sufficient seriousness.

The process for adding PFAS chemicals to TRI would include notice-and-comment rulemaking. The Agency has initiated a possible rulemaking and its next steps will follow EPA's Action Development Process. A forthcoming Unified Agenda of Regulatory and Deregulatory Actions will provide anticipated milestones for this action, which includes an Advance Notice of Proposed Rulemaking that is anticipated to be published in October 2019. [Internal Note: language in blue could be provided as background to hill staff but not for constituent as we don't typically provide reg agenda info ahead of publication. It could also be deleted from this response]